

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**
(Northern Division)

UMAR BURLEY, *et al.*,

Plaintiffs,

v.

BALTIMORE POLICE DEPARTMENT,
et al.,

Defendants.

Civil Action No. SAG-18-1743

CONSENT MOTION TO AMEND SCHEDULING ORDER

Plaintiffs Umar Burley and Brent Matthews, by their undersigned attorneys and with the consent of Defendants, file this Motion to Amend Scheduling Order and in support state as follows:

1. Plaintiffs filed this lawsuit on June 13, 2018. (ECF No. 1). The operative, Second Amended Complaint was filed on December 21, 2018. (ECF No. 23).

2. An initial Scheduling Order issued on September 26, 2019. (ECF No. 58). On February 27, 2020, this Court issued an order approving the parties' joint proposed amended scheduling. (ECF No. 68.)

3. Plaintiffs have worked diligently and engaged in extensive discovery, but have been faced with delay and other obstacles.

4. Specifically, Plaintiffs issued written discovery to all Defendants on December 9, 2019. While Defendant Wayne Jenkins produced written responses and documents on January 10, 2020, as this Court is aware, Plaintiffs did not receive the majority of written responses from Defendants Ryan Guinn, Keith Gladstone, Richard Willard, William Knoerlein, and Michael Fries, until March 3, 2020, after Plaintiffs were forced to file a Motion to Compel and for Sanctions. (ECF

No. 82). Likewise, Plaintiffs did not receive responsive documents from Guinn, Gladstone, Willard, Knoerlein, or Fries until March 11, 2020, after Plaintiffs' Motion to Compel and for Sanctions was granted in part. (ECF No. 89). Since that time, undersigned have been working diligently to review the thousands of documents produced.

5. Further, Plaintiffs served a subpoena to produce documents on the Baltimore Police Department ("BPD") on January 23, 2020; responsive documents were due on February 24, 2020. Plaintiffs did not receive documents, however, until April 3, 2020, at which time the BPD produced over 15,000 pages of documents.

6. Additionally, on March 24, 2020, Plaintiffs noted seven depositions: the six Defendants and a BPD corporate designee. But, due to the global pandemic resulting in the State of Maryland issuing a stay at home order indefinitely, in-person depositions likely cannot move forward as scheduled.

7. The Bureau of Prisons, including FCI Edgefield in South Carolina where Defendant Jenkins is currently located, has prohibited visitors at their facilities indefinitely and thus, Plaintiffs are unable to take an in-person deposition of Jenkins in the near future. Further, undersigned was informed by Counselor Johnson of FCI Edgefield that Jenkins is currently housed in solitary confinement, which, according to Counselor Johnson, presents an additional obstacle in securing Jenkins' presence for a deposition.

8. Based on the foregoing and the liberal standard for leave allowed for under Rule 16(b) of the Federal Rules of Civil Procedure, the parties request that the deadlines set forth in the Amended Scheduling Order be extended by approximately 90 days, a reasonable request in light of Standing Order 2020-07, which in part extended all filing deadlines by 84 days.

9. The parties request that the Court extend the deadlines in the Amended Scheduling Order, and add a new deadline for Responses to Dispositive Motions, as follows:

Proposed Deadline	Filing/Occurrence	Current Deadline
September 10, 2020	Plaintiffs' Rule 26(a)(2) Disclosures	June 12, 2020
October 8, 2020	Defendants' Rule 26(a)(2) Disclosures	July 10, 2020
October 29, 2020	Plaintiffs' rebuttal Rule 26(a)(2) Disclosures	July 31, 2020
November 5, 2020	Rule 26(e)(2) Supplementation	August 7, 2020
August 20, 2020	Fact Discovery Deadline; Status Report	May 22, 2020
August 27, 2020	Requests for Admission	May 29, 2020
November 26, 2020	Close of Expert Discovery	August 28, 2020
December 18, 2020	Dispositive Pretrial Motions	September 25, 2020
January 15, 2021	Responses to Dispositive Pretrial Motions	--

10. Counsel for Defendants have consented to the filing of this Motion, the relief requested herein, and the proposed amended deadlines.

11. The requested amendment to the Scheduling Order is sought in good faith and will not cause undue delay or prejudice to any of the parties.

Dated: April 15, 2020

Respectfully submitted,

/s/

Steven D. Silverman, Esq. (Bar No. 22887)
ssilverman@mdattorney.com
Andrew C. White, Esq. (Bar No. 08821)
awhite@mdattorney.com
William N. Sinclair, Esq. (Bar No. 28833)
bsinclair@mdattorney.com
Erin Murphy, Esq. (Bar No. 24980)
emurphy@mdattorney.com
SILVERMAN|THOMPSON|SLUTKIN|WHITE, LLC
201 N. Charles Street, Suite 2600
Baltimore, Maryland 21201

Tel: (410) 385-2225
Fax: (410) 547-2432

/s/

Andrew D. Freeman (Bar No. 03867)

adf@browngold.com

Chelsea J. Crawford (Bar No. 19155)

ccrawford@browngold.com

Neel K. Lalchandani (Bar No. 20291)

nlalchandani@browngold.com

Brown, Goldstein & Levy, LLP

120 E. Baltimore Street, Suite 1700

Baltimore, Maryland 21201

Tel: (410) 962-1030

Fax: (410) 385-0869

*Attorneys for Plaintiffs Umar Hassan Burley and
Brent Andre Matthews*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 15, 2020, a copy of the foregoing motion was served on all counsel of record via this Court's ECF filing system.

/s/
William N. Sinclair, Esq. (Bar No. 28833)